

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE
WRIT PETITION No. 6030 of 2005

DR. B.B. GAJRE Petitioner
V/S
UNION OF INDIA AND ORS. . .. Respondents

Ms. Sunita Potdar with Ms. D. S. Shah
i/b. Mayur Narendra & Co., for petitioner
Mr. S. R. Rajguru for respondents 1 and 2.

CORAM: S. B. MHASE J.
DATE:20/04/2006

P.C.:

Heard both sides. It is admitted position that the premises given to the petitioner were licenced premises. The premises are covered under the Public Premises (Eviction of Unauthorized Occupants) Act 1971 of which the petitioner is a licensee. Initially the notice was given under section 4 of the Act , but however, that was not that a period of 3 months. Even the order of eviction was passed by the Estate Officer. The matter was remanded back by the City Civil Court. After the remand, fresh notice was given and the statutory obligations were carried out and thereafter the eviction order has been passed. Thus there is no illegality in the proceedings. The learned counsel for the petitioner tried to make out a case that the petitioner has constructed on a

licenced premises and it is a permanent licence and therefore the eviction order cannot be passed. That means he is trying to make out a case of irrevocable licence. Such a plea is not tenable as it is a public premises. In this view of the matter the petition is rejected.

(S. B. MHASE J.)